



Before the Appellate Board  
National Electric Power Regulatory Authority  
(NEPRA)  
Islamic Republic of Pakistan

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No. NEPRA/AB/Appeal-017/POI-2015/ 191-195

February 19, 2016

1. Mst. Rehmat Elahi  
W/o Bashir Ahmed,  
Through M. Rabnawaz,  
S/o Bashir Ahmed,  
R/o Basti Gujjar, Mouza Shalan,  
Bahawalpur

2. The Chief Executive Officer  
MEPCO Ltd,  
Khanewal Road, Multan

3. Ch. Fiaz Ahmad Singhairah  
Advocate Supreme Court,  
Anab Centre, 2<sup>nd</sup> Floor,  
1-Mozang Road, Lahore

4. Sub Divisional Officer (E),  
MEPCO Ltd,  
Abbasia Sub Division,  
Bahawalpur

Registrar  
By No. 2050  
Dated 23-02-2016

5. Electric Inspector  
Multan Region,  
249-G, Shah Ruken-e-Alam Colony,  
Phase II, Multan

Subject: Appeal Titled MEPCO Vs. Rehmat Elahi Against the Decision Dated 18.12.2014 of the Electric Inspector/POI to Government of the Punjab Multan Region, Multan

Please find enclosed herewith the decision of the Appellate Board dated 19.02.2016, regarding the subject matter, for information and necessary action accordingly.

Encl: As Above

(M. Qamar Uz Zaman)

No. NEPRA/AB/Appeal-017/POI-2015/ 196

February 19, 2016

Forwarded for information please.

  
Member Appellate Board

1. Registrar  
2. Director (CAD)



CC:

1. Vice Chairman/Member (CA)



## National Electric Power Regulatory Authority

### Before Appellate Board

In the matter of

Appeal No. NEPRA/Appeal-017/POI-2015

Multan Electric Power Company Limited

.....Appellant

Versus

Mst. Rehmat Elahi, W/o Bahsir Ahmed,  
Through Muhammad Rabnawaz,  
R/o Basti Gujjar, Mouza Shalan, Bahawalpur

.....Respondent

For the appellant:

Nemo

For the respondent:

Muhammad Rabnawaz

### DECISION

1. Brief facts giving rise to the instant appeal are that Multan Electric Power Company (hereinafter referred to as MEPCO) is a licensee of National Electric Power Regulatory Authority (hereinafter referred to as NEPRA) for distribution of electricity in the territory specified as per terms and conditions of the license and the respondent is its agricultural consumer bearing Ref No. 29-15411-2169803 with a sanctioned load of 14.90 kW under D-1b tariff.
2. As per fact of the case, the respondent was aggrieved with the excessive billing by MEPCO and filed an application before Provincial Office of Inspection/Electric Inspector Multan Region, Multan (hereinafter referred to as POI). It was prayed by the respondent to direct MEPCO not to recover impugned bill for March 2014 and restrain from disconnection of



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supply of respondent's tube well. The application of the respondent was disposed of by POI vide its decision dated 18.12.2014 with the following conclusion:

*"Summing up all the above observations & conclusions this forum declared the bill charged for 08/2013 as Null, Void & of no legal effect and direct the Respondent to withdraw the same along with LPS and charge revised consumption @ 2738-units per month for unbilled period from 04/2013 to 07/2013 & for 08/2013. They also directed to overhaul petitioner's account by adjusting all Credit, Debits, Deferred Amount, Deferred Amount & Payments already made accordingly."*

3. Being aggrieved with the decision of POI dated 18.12.2014 (hereinafter referred to the impugned decision), MEPCO has filed the instant appeal under section 38 (3) of the Regulation of Generation, Transmission and Distribution of Electric Power Act 1997 (hereinafter referred to as the Act).
4. The respondent was issued a notice for filing reply/parawise comments. The respondent in the reply/parawise comments raised preliminary objection regarding limitation and contended that appeal being time barred be dismissed on this ground alone.
5. Hearing of the appeal was fixed for 28.12.2015 at Multan and notice thereof was served upon both the parties. On the date of hearing, no one entered appearance on behalf of MEPCO and Mr. Muhammad Rabnawaz represented the respondent. The representative of the respondent pointed out the issue of limitation and pleaded that the appeal was time barred and be dismissed on this ground alone. It was observed from the record that impugned decision was announced by POI on 18.12.2014 and intimation whereof was given to the parties by POI vide its letter No. EIM/ARB:/9921-25 dated 18.12.2014. On application of MEPCO, the certified copy of the impugned decision was delivered to MEPCO on 02.02.2015. The appeal was filed by MEPCO before NEPRA on 16.02.2015 which has obviously been filed after the time limit as prescribed in the law.



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6. The relevant provisions of law regarding limitation are referred as under:-

- **Section 38(3) of the Act.**

*Any person aggrieved by any decision or order of the Provincial Office of Inspection may, within thirty days of the receipt of the order, prefer an appeal to the Authority in the prescribed manner and the Authority shall decide such appeal within sixty days*

- **Regulation 3 of NEPA (Procedure for filing appeals) regulations, 2012:**

- **3. Filing of appeal.- (1) Any person aggrieved by any decision or order of the single Member of the Authority or Tribunal constituted under section 11 of the Act or from a decision given by the Provincial office of Inspection may, within 30 days of the order or decision file an appeal before the Authority.**

- **Punjab Establishment and Powers of Office of Inspection:**

*9 Final Order.— (2). A certified copy of the final order or any other document on file shall be supplied to the party on an application, duly affixed with stamps at the rate notified by Government from time to time.*

7. From bare perusal of above referred provisions it can be safely suggested that the appeal should be filed within 30 days of the announcement of the decision. It has been observed in the instant appeal that the certified copy of the impugned decision was obtained after 45 days of its announcement and the appeal was filed with NEPRA after 59 days of its announcement by POI. Evidently MEPCO failed to file the appeal within the time limit of 30 days as prescribed under section 38 of the Act. From perusal of above provisions it is also established that POI was not obligated to serve a copy of the decision upon parties, therefore it is always for the parties to apply and receive copy of the decision for the purpose of filing appeal. The 'word' receipt as mentioned in section 38 of the Act, does not confer any obligation on POI to deliver copy of the decision to the parties. It is always duty of the parties to remain vigilant and obtain certified copy for the purpose of filing appeal. Therefore we are inclined to hold that as such valuable right has accrued in favour of the respondent due to failure on the part of MEPCO in filing the instant appeal before NEPRA within the time as prescribed by law. As a matter of fact MEPCO is required to explain and



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justify each day of the delay in filing the appeal after the impugned decision was pronounced on 18.12.2014 but MEPCO failed to do so. Therefore we conclude that the appeal is time barred and dismissed accordingly.

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Muhammad Qamar-uz-Zaman  
Member

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Muhammad Shafique  
Member

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Nadir Ali Khoso  
Convener

Date: 19.02.2016